IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA.

Cr. Appeal No. 220 of 2000

Date of Decision : September 7, 2007

State of H.P. …Appellant.

Versus:

Charan Singh …Respondent.

***Coram*:**

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?[1] *No*

For the appellant: Mr. Ashok Chaudhary, Addl. A. G.

For the respondent : Mr. N. K. Thakur, Advocate.

Sanjay Karol, J. (Oral).

The present appeal arises out of the judgment dated 10.12.1999 passed by the Chief Judicial Magistrate, Una in Criminal Case No. 398-I of 1994 titled as State v. Charan Singh, acquitting the accused of the charged offence.

FIR No. 211/94 dated 25.5.1994, Police Station, Una was registered against the present respondent u/s 279, 337, 338 IPC in relation to an accident which occurred on 25.5.1994 at about 9.30 a.m. It was alleged that on 25.5.1994, truck No. CHW-6567 on its way to Baba Barbhag Singh at about 12.55 p.m., stopped at Rainsari, (Khawaja bridge), one Car bearing

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

No.PIL-17 came from the opposite direction i.e. from the side of Basal and hit the cyclist who got struck with the bonnet of the Car and was dragged for some distance and then the Car hit the truck injuring one of the passengers, who was trying to cross the road. The investigation was completed by ASI Raj Kumar (PW-10) and the challan was presented in the Court for trial.

After due compliance of the provisions of Section 207 Cr.PC, the matter was put to trial. In all prosecution examined 10 witnesses. After recording the statements of all the prosecution witnesses, the statement of accused u/s 313 Cr.PC was also recorded.

The Court below, after examining the statements of the witnesses, came to the conclusion that the charges could not be proved by the prosecution.

I have perused the statement of Shri Shamsher Singh (PW-1) who has deposed that the respondent was driving the vehicle in control speed of about 40 to 45 kms. per hour and the injured who was mentally imbalanced, while crossing the road hit the vehicle as a result of which he suffered injury. He has deposed that there was no fault on the part of the driver of the offending vehicle. Shri Mohinder Singh (PW-2) has deposed that he does not know as to how the incident took place. Similarly, Shri Gurcharan Singh (PW-3) has also corroborated the statement of PW-1. These are the eye witnesses, on whose

testimonies, the case of the prosecution rests. Rest of the other witnesses are official/formal.

Since the eye witnesses have not deposed anything against the accused and have not supported the case of the prosecution, I see no reason to interfere with the judgment passed by the Court below which has given cogent reason after correctly appreciating the material on record. The appeal is accordingly dismissed. The bail bonds stand discharged.

(Sanjay Karol), J.

September 7, 2007
(rana)